

REMARKS

This paper responds to the Office Action mailed on December 22, 2008. Claim 10 is amended, claims 13, 14, 25, and 26 are canceled, and claims 39 and 40 are added; as a result, claims 8-12 and 39-40 are now pending in this application. Claim 10 is merely amended to correct informalities and not for reasons of patentability. New claim 39 is dependent on allowable claim 8 and is supported by original claim 13. New claim 40 is a computer-readable medium claim to a set of instructions having limitations similar to those of allowable claim 8.

Request for Correction of U.S. Patent Office Errors in Application Prior to Issuance

Upon review of the published patent application, U.S. Publication No. 2007/0282556 A1, the following U.S. Patent Office errors were discovered:

In Paragraphs [0120-0121] of the specification:

Output Port: An output port is used in a model to represent a physical output on the DUT being modelled. The physical outputs of a DUT may comprise LED's, relay contacts, Open Collector, Wet or Dry Outputs, Communications Ports, for example, RS-232 employing ADCP etc., and Ethernet Ports.

~~Ports, for example, RS-232 employing ADCP etc., and Ethernet Ports.~~

In Paragraph [0142] of the specification:

Eventually a point in time arrives when the outputs have stabilised and a matching input and output vector (a vector pair) may be attained. The issue is at what point in time after the input stimulus is applied will the output be ~~valid~~ valid? A number of different methods have been employed by the inventor as follows:

In Paragraph [0175] of the specification:

++=PASS (masked port failure [[encountered]=]) encountered

Because these errors were introduced by the U.S. Patent Office, Applicants have not included them in the “Amendment” section of this paper. Applicants respectfully request that these errors be corrected prior to issuance of this application.

Claim Objections

Claims 10, 13, and 25 were objected to as having informalities requiring correction. Amendments as suggested by the Examiner have been made to claim 10, and withdrawal of this claim objection is respectfully requested. Claims 13 and 25 have been canceled. Further, claim 10 has been amended merely to correct informalities.

Claim 26 was objected to under 37 CFR 1.75(c) as being of improper dependent form. In response, claim 26 has been canceled.

§101 Rejection of the Claims

Claim 25 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In response, claim 25 has been canceled.

§103 Rejection of the Claims

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lottridge et al. (U.S. Patent No. 5,796,750; hereinafter “Lottridge”), Brown et al. (U.S. Publication No. 2005/0262399; hereinafter “Brown”), Primeaux et al. (U.S. Patent No. 6,334,121; hereinafter “Primeaux”) and Childs et al. (U.S. Patent No. 5,623,545; hereinafter “Childs”). Further, claims 14 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lottridge, Brown and Primeaux. In response, claims 13, 14, and 25 have been canceled.

Allowable Subject Matter

On page 10, paragraph 4 of the Office Action, the Examiner indicated that claims 8-12 are allowed. Applicants thank the Examiner for allowance of these claims.

Newly added claim 39 depends from allowed claim 8. Since dependent claims incorporate the limitations of the independent claim from which they depend, Applicants submit

that new claim 39 is also allowable for at least the same reasons. Further, claim 39 may be patentable for its own limitations.

Newly added claim 40 is a computer-readable medium claim to a set of instructions and incorporates limitations similar to those of claim 8 that the Examiner has indicated is allowable. Therefore, Applicants submit that new claim 40 is also allowable for at least the same reasons.

Reservation of Rights

In the interest of clarity and brevity, Applicants may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserve all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any canceled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (408) 278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 04/15/09

By /s/ Andre L. Marais
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 15th, 2009.

CHERYL L. DANKERS

Name

/Cheryl L. Dankers/
Signature